

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DARRYL EDWARDS,

Plaintiff,

Case No. 22-cv-1455-pp

v.

MILWAUKEE COUNTY; WELLPATH;
JANE DOE, *morning, noon, late night nurses*
and JANE DOE, *5th floor nurse practitioner*,

Defendants.

**ORDER GRANTING DEFENDANT WELLPATH'S MOTION FOR JOINDER
(DKT. NO. 27) AND SETTING DEADLINE FOR PLAINTIFF TO RESPOND TO
MOTION TO DISMISS**

On February 12, 2024, defendant Milwaukee County filed a motion to dismiss the plaintiff's amended complaint (Dkt. No. 12) for lack of subject matter jurisdiction, that stating the plaintiff's claim seeking injunctive relief is moot because the plaintiff no longer is incarcerated at the Milwaukee County Jail. Dkt. No. 24. On February 15, 2024, defendant WellPath filed a motion to join Milwaukee County's motion to dismiss or, in the alternative, a motion for judgment on the pleadings. Dkt. No. 27.

The court notes that on January 16, 2024, it received from the plaintiff an unsigned proposed second amended complaint, dated December 26, 2023 and titled "(Amended Complaint #2)." Dkt. No. 14. The plaintiff's proposed second amended complaint *is not* the operative complaint in this case because the plaintiff did not file a motion to amend the complaint. See Federal Rule of


Civil Procedure 15(a)(2); Civil Local Rule 15(b) (E.D. Wis.). If the plaintiff wants the court to consider a further amended complaint, he must file a motion to amend the complaint. The motion must state what changes are sought by the proposed amendments, the plaintiff must sign the proposed amended complaint and must file it with his motion. See Civil L.R. 15(a), (b).

The court **GRANTS** defendant Wellpath's motion to join defendant Milwaukee County's motion to dismiss. Dkt. No. 27.

The court **ORDERS** that the plaintiff may file one response to the joint motion to dismiss; the plaintiff must file his response (or a motion for more time to respond) in time for the court to *receive it* by the end of the day on **March 7, 2024**. If the plaintiff does not file a response (or a motion for an extension of time) by the end of the day on March 7, 2024, the court will decide the motion without input from the plaintiff and may grant it.

Dated in Milwaukee, Wisconsin this 20th day of February, 2024.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge